

**DRAFT**

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING  
DECEMBER 11, 2020**

**Via Telephone Conference Pursuant to Executive Order 20-09**

**Access the meeting online or via telephone at:**

[https://IndianaEnhanced.Webex.com/join/PLAWebex  
1.240.454.0887, Access Code 610915440](https://IndianaEnhanced.Webex.com/join/PLAWebex1.240.454.0887)

**CALL TO ORDER**

The meeting was called to order at 9:00 a.m. by Frank Downing, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

**BOARD MEMBERS PRESENT:**

Frank Downing, Chairman  
Kathleen Matuszak, Vice Chairperson  
Thomas Sproles  
Christopher Cooke  
Roland Cutter

**STATE OFFICIALS PRESENT:**

Tracy Hicks, Board Director  
Donald Hannah, Deputy Attorney General

**ADOPTION OF THE AGENDA**

A motion was made and seconded to adopt the agenda.

Cutter/Sproles

5/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter

Motion carried.

**PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR LICENSE BY RECIPROCIITY**

1. James Chance

A motion was made and seconded to approve the application.

Cooke/Sproles

5/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter

Motion carried.

**ADMINISTRATIVE HEARINGS**

1. Administrative Appeal Hearing in the matter of Joe Alexander Browder, Jr., 2019SBFCS 0014

A motion was made and seconded to affirm the application denial.

Sproles/Matuszak

5/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter

Motion carried.

2. Administrative Summary Suspension Extension Hearing in the matter of Mark A. Ferree, FD20600082, 2019 SBFCS 0011

A motion was made and seconded to extend the summary suspension.

Cutter/Matuszak

5/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter

Motion carried.

3. Administrative Hearing in the matter of Cresthaven Funeral Home & Memory Gardens, FH11100002, CA21500004, & CM41000007, and John C. Sherrill, FD29500085, 2020SBFCS0007

A motion was made and seconded to deny Respondent's Motion to Dismiss.

Sproles/Cooke

5/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter

Motion carried.

After discussion and legal advice regarding statutes governing administrative hearings and hearsay evidence, a motion was made and seconded to dismiss the case due to lack of merit presented to the Board.

Cooke/Matuszak

3/2/0

Voting in Favor: Kathleen Matuszak, Christopher Cooke, and Roland Cutter

Voting Against: Thomas Sproles and Frank Downing

Motion carried.

## **PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

1. McDonald Funeral Home, Inc., FH19900043 & CA29900074, and Jon D. McDonald, FD09200024, 2020SBFCS0004

A motion was made and seconded to accept the proposed Findings of Fact, Conclusions of Law and Order

Cutter/Matuszak

4/0/1

Voting in Favor: Frank Downing, Kathleen Matuszak, Christopher Cooke, and Roland Cutter

Abstaining: Thomas Sproles

Motion carried.

2. Elkhart Cremation Service, LLC, FH11300017, CR39900004a, CA29900131, & CA21400002, and William Zimmerman, FD01011076, 2020SBFCS0008

A motion was made and seconded to accept the proposed Findings of Fact, Conclusions of Law and Order

Cooke/Cutter

4/0/1

Voting in Favor: Frank Downing, Kathleen Matuszak, Christopher Cooke, and Roland Cutter

Abstaining: Thomas Sproles

Motion carried.

3. Crown Hill Funeral Home and Cemetery, FH11800011, CR31800003, & CA21800017, 2020SBFCS0009

A motion was made and seconded to accept the proposed Findings of Fact, Conclusions of Law and Order

Cutter/Matuszak  
4/0/1

Voting in Favor: Frank Downing, Kathleen Matuszak, Christopher Cooke, and Roland Cutter  
Abstaining: Thomas Sproles  
Motion carried.

## **VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

1. David Lanham for Hollis Lanham  
Re: R.D. Pyke Funeral Service, FH89200005 (Closed)

A motion was made and seconded to grant restitution in the amount of \$4900.00 plus statutory interest not to exceed the amount of the at need contract.

Matuszak/Cooke  
5/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter  
Motion carried.

2. Jim Tabor for Roger Tabor  
Re: R.D. Pyke Funeral Service, FH89200005 (Closed)

A motion was made and seconded to grant restitution in the amount of \$7849.00 plus statutory interest not to exceed the amount of the at need contract.

Sproles/Cooke  
5/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter  
Motion carried.

3. Pruzin Brothers Funeral Service for Arden Harlen Brooks  
Re: National Prearranged Services Inc., CA20200012 (Closed)  
Kraft Funeral & Crematory Inc., FH10000005 (Revoked)

A motion was made and seconded to table for proof of payment and proof of contacting NPS to see if there are funds available to pay the contract.

Sproles/Matuszak  
5/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter  
Motion carried.

## REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the report as submitted to the Board as indicated below.

Sproles/Cutter

5/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter

Motion carried.

### **Allyse Reine Roberts Leitsch, FD, CFSP – CD22000014**

1. CFSP Designation – Ongoing – 1 CEU
2. Funeral Service Celebrants – Ongoing – 1 CEU
3. Thanatology & Funeral Service – Ongoing – 1 CEU
4. Youth & Funerals - Ongoing – 1 CEU
5. Understanding Medicaid & Trustee - Ongoing – 1 CEU

### **Cremation Association of North America – CE21200016**

1. Cremation Arrangement Conference Best Practices – All of 2021 – 2 CEU
2. Phone Shoppers: Your Best First Impression - All of 2021 – 1 CEU
3. Cremation & the Environment - All of 2021 – 2 CEU
4. CANA's Online Crematory Operations Certification Program – August 11, 2021 & October 7, 2021 – 6 CEU  
Live, 2 CEU Distance Learning
5. CANA's Online Crematory Operations Certification Program – 8 CEU Distance Learning

### **Flanner Buchanan - CE21800040**

1. Modern Techniques for Treating Jaundice Bodies...Ongoing – 1 CEU

### **Funeral Service Academy - CE21400012**

1. Funeral Pre-planning: An Overview...Ongoing – 2 CEU

### **Kates-Boylston Publications – CE21100028**

1. Funeral Future, March 26, 2021 – 5 CEU

### **Indiana State Coroners Association & Indiana State Coroners Training Board – CE10800754**

1. 2020 D. David Avolt In-Service Training...November 12 -14, 2020 – 23 CEU

### **International Cemetery, Cremation & Funeral Association – CE10800864**

1. ICCFA 2021 Virtual Dead Talks: Back to Better – January 11, 2021 through February 11, 2021 – 14 CEU

### **Wabash Valley Funeral Directors Association – CE21400020**

1. Anatomical Gifts and the Funeral Directors role...Ongoing – 2 CEU

### **WebCE – CE10800715**

1. Modern Funeral Home Management – Ongoing – 3 CEU Distance Learning

**ADJOURNMENT**

The meeting was adjourned at 1:35 p.m..

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date